Exhibit 9
(Excerpt)
(Redacted)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

United States of America, *et al.*,

                              Plaintiffs,

v.

Google LLC,

                              Defendant.

Case No. 1:23-cv-00108-LMB-JFA

Hon. Leonie H. M. Brinkema

EXPERT REPORT OF ROBIN S. LEE, PHD

December 22, 2023

Expert Report of Robin S. Lee, PhD

(443)   My analysis of data provided in this matter also corroborates DFP's large share of open-web display impressions served.

(444)   Because open-web publishers usually choose at most one publisher ad server for their direct and indirect display advertising needs,[633] publishers will typically value a publisher ad server's ability to serve both of these types of transactions. Hence, I compute market shares based on all impressions served.

(445)   Figure 45 below shows the monthly total number of worldwide open-web display impressions served by a set of publisher ad servers for which I have data.[634] I conservatively include a broader set of impressions from certain third-party publisher ad servers that do not provide sufficient data to isolate open-web display transactions (which understates DFP market share among this set of products).[635] In 2022, DFP served approximately 91% of total worldwide open-web display impressions among this

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[633]   *See* discussion in Section III.C, fn. 246.

[634]   I obtained publisher ad server data from Google, ███████████████████████████████████████ ███████████████████. I do not have data from other publisher ad servers, but have not seen information that indicates that inclusion of impressions from other third-party publisher ad servers would significantly reduce DFP's market share of open-web display impressions among worldwide or US publishers. A set of non-DFP publisher ad servers including ██████████████ are "miniscule" in size compared to GAM, according to an executive from a third-party publisher server. Deposition of ██████████████ August 16, 2023, 89:14–89:19. I am aware of a product named ████████; the information I have reviewed does not suggest it has a meaningful US or worldwide presence as a publisher ad server for open-web display advertising. According to ███████████████████████████████, ████ has a publisher ad server called ████████ that "focused on retail publishers" that "are looking to participate in retail media and commerce media" with "sponsored product listings" and advertisements served on the retailer websites. Deposition of ██████████████ September 8, 2023, 203:22-206:16. ("Q How does the number of customers that ████ has for its publisher ad server compare to the number of customers that Google has for its publisher ad server? A Much smaller. Much, much smaller. Q Do you have a sense of the order of magnitude how much smaller the number of customers for ████ publisher … ad server are? A I don't. [] I'm speaking about what I believe to be much smaller because, in our world, the ad server that I'm [] talking about is specific to retail media. So we don't maintain a competitor to Google Ad Manager.") Consistent with this description of ████████ focusing on retail publishers, a 2020 Google "Product and Business Strategy" document lists "███████████████████████████████████" as competition under "Commerce (Sponsored Products)" (GOOG-DOJ-09183023, at -30).
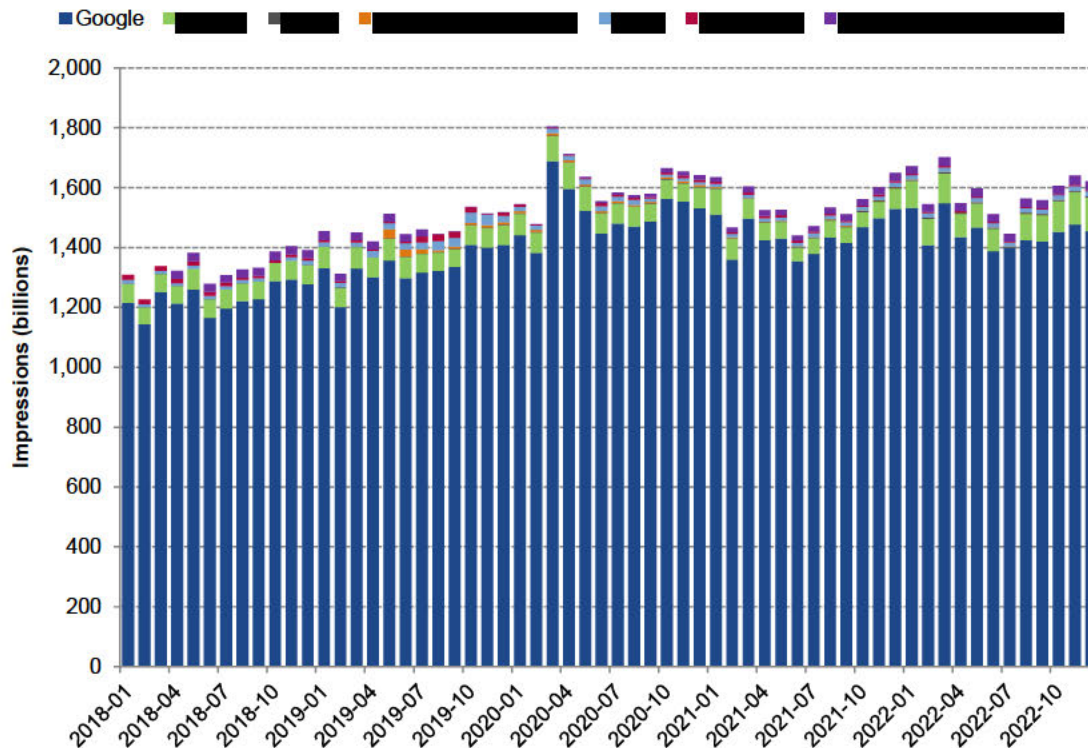
[635]   Due to limitations in certain third-party publisher ad server data, in some instances I am unable to restrict the data to open-web display impressions. When this occurs, I conservatively include a broader set of impressions from third-party publisher ad servers (see figure notes for Figure 45). I describe my data processing in more detail in Appendix H. While ████████████████████████ can facilitate the serving of open-web display ads, they each have a focus on non-display advertising. ████ builds ad servers for publishers with a focus on native advertising (Deposition of ████████ ████████ August 16, 2023 at 15:02–15:05), while both ██████████████ focus on instream video advertising (████████-000000091 "[████████ is] [s]trong on Video and CTV but not a generalist;" DOJ_Google Templates - Confidential (v2).xlsx (████████ took over programmatic ad serving from the ██████████████)). Due to data limitations, I make the following assumptions when incorporating the relevant set of transactions from these products. For ████ I am unable to distinguish within ████ data which transactions are non-native display. As noted above, to be conservative, I include all of ████ transactions in my market share calculations, even though this understates DFP's market share. While ████████ data does not allow me to distinguish between instream and outstream advertisements, I include all of ██████████ transactions to be conservative, but exclude impressions that are served on TVs (as I note in Section II.A, instream video advertisements are shown on TVs). Note that the remaining ████████ impressions likely include a large number of instream video ads served on web.

My market share calculations exclude impressions that DFP serves from Google-owned properties.

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set of publisher ad servers; DFP's 2022 share of open-web display impressions from US publishers is approximately 87% among this set.[636]

Figure 45. Worldwide open-web display impressions served by publisher ad servers (2018–2022)

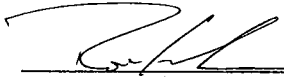Source: Publisher ad server panel (*see* Appendix H).
Notes: 1. Limited to open-web display impressions on mobile and desktop devices (includes house ads). 2. ▮▮▮▮▮ data do not contain information on device type, transaction type, ad type, instream/outstream or mobile channel. Since the data do not allow me to identify open-web display impressions, I conservatively include all ▮▮▮▮▮▮▮ impressions. 3. ▮▮▮ data do not distinguish between ad types; hence, I conservatively include all ▮▮▮ ad types. 3. ▮▮▮▮▮ ▮▮▮ data do not distinguish between instream and outstream video ads; I conservatively include all ▮▮▮▮▮▮▮ video impressions, excluding impressions served on TVs for ▮▮▮ 4. Due to issues with the reported data, ▮▮▮ data is missing in July 2022; ▮▮▮ data is missing in May, July, and November of 2018; ▮▮▮ data is unavailable prior to May 2019; ▮▮▮ data is unavailable prior to April 2018; ▮▮▮ data is missing in October 2018 and April 2022.
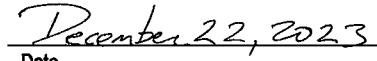
V.B.2.b. Barriers to entry and expansion

(446)   Competitive entry into the publisher ad server market to an extent that would challenge the dominance of Google's DFP would be extremely difficult.

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[636] *See* Figure 108 in Appendix D.4. These open-web display impression market share calculations include house ads. Excluding house ads, from 2018 through 2022, DFP maintained a greater than 69% share of *direct* open-web display impressions and 88% share of *indirect* open-web display impressions worldwide among this set of publisher ad servers. (Transaction type information is unavailable in all periods of the Equativ and Kevel data, and for certain transactions in the BRX-D and Xandr data. When these data are missing transaction type information, I conservatively include all of the impressions when calculating market shares without house ads among direct or indirect transactions for DFP.).

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